



To: Jefferson County Farmland Preservation Plan Steering Committee
From: Mark Roffers and Jessica Schmiedicke, planning consultants
Date: August 18, 2010
Re: September 2nd Meeting Materials

In preparation for our next Steering Committee meeting on September 2nd, we would like to provide an overview of the key agenda items and desired outcomes in order to maximize our time together. Please see the following attached documents for more information:

- Town Quadrant Meeting Notes
- Focus Group Meeting Notes
- Summary of Completed Comment Forms and Other Commentary
- Prime Soils Map

Town Quadrant Meetings and Focus Groups

Between July 20 and July 29 the County hosted four Town Quadrant Meetings and three smaller focus group meetings. More than 125 people attended these meetings and provided input on the Program Scenarios. Some common themes and general impressions from those meetings are summarized below.

- Interest in maintaining the current program to the extent possible while continuing to participate in State program.
- The majority of comments and discussion were related to Program Scenarios B and C.
- There was considerable discussion and concern about the need to rezone lands that are planned for development within 15 years, including city, village, and property owner involvement in designating these areas.
- There was concern that the costs of the tax credit eligibility requirements (i.e., conservation plan and nutrient management plan preparation, implementation, and updates) might outweigh the benefits (i.e. tax credit/return).
- Program Scenario D should be discarded because changes were perceived to be too significant and conflict with the County's farmland preservation efforts to date.
- There was concern about the change in farm consolidations under Program Scenarios B and C which would make the farm house a non-conforming use in the A-1 district OR require rezoning to A-3 and payment of the conversion fee.
- Varying opinions on the amount, use, and effectiveness of the conversion fee; some thought it is too burdensome while others thought it was not high enough.

- Varying opinions about the role and purpose of preserving open space as it relates to farmland preservation; some felt the two objectives were complementary while others thought they can be conflicting.
- Include provisions in County Plan that allow stricter provisions in Town Plans to prevail.
- Consider other farmland preservation approaches such as transfer of development rights and clustering new houses with neighboring farms.

Since these meetings, we were able to gather more information and consider potential approaches to address the challenges associated with some of the concerns, particularly those related to Program Scenarios B and C.

- Nutrient management plans. In addition to conservation plans, land owners must now also have a nutrient management plan to be eligible for the farmland preservation tax credit. Based on discussions with a local crop consultant, the cost to prepare a nutrient management plan can range from \$9.00 to \$12.00 an acre for a 200-acre farm. While the number of livestock on a farm does not affect the plan cost, per acre costs vary based on the dominant use of the farm (i.e., cash crop versus dairy). The cost per acre to prepare a nutrient management plan for smaller farms would be higher. Plan recommendations are based on approaches that will balance the levels of phosphorus, potassium, and nitrogen in each field using a nutrient management and soil loss assessment software program. Nutrient management plans must be updated every year which may range from \$3.00 to \$5.00 an acre. The annual tax credit for this hypothetical farm would be \$1,500.

- Mapping 15-year growth areas. The State's Working Lands Initiative requires farmland preservation plans to identify areas planned for urban or rural development within the next 15 years; these areas may not be zoned A-1 and are not eligible for tax credits. If the County selected B or C as the preferred Scenario we will have to identify these areas.

The County Plan and local city, village, and town comprehensive plans identify future growth areas, but none of these plans identify which lands are "inside" of the 15-year growth areas and which lands are "outside." The County is not required to map future growth areas as they appear in local plans, but the farmland preservation map must be reasonable.

We will develop methodology for mapping the 15-year growth areas based on reasonable quantitative projections for future development and other qualitative consideration such as land owner intent. At the September 2nd meeting we will share a compilation map of all lands in the County planned for future development in existing comprehensive plans.

- Nonconforming designation for farm consolidation residences. In farm consolidations, the State's Working Lands Initiative allows the farm house to remain zoned A-1 but these houses would be considered non-conforming uses. This non-conforming status can mean limitations on remodeling, expansion, and securing financing. Rezoning is an alternative to overcome these issues but it triggers the conversion fee. Alternatively, we could review the County's current non-conforming use regulations and determine if additional flexibility for expansion and reconstruction may be allowed for farm homes in this situation.
- Loss of town authority for conditional use permits versus rezoning. Under Program Scenario C new homes would be allowed by conditional use permit rather than rezoning to A-3. Towns have an advisory role in the conditional use permit process, in contrast to the rezoning process where towns have veto power. Most legal opinions surrounding State Statutes indicate that because authority over conditional use permits are not specifically delegated to Towns, they do not have final authority over them as is the case with rezonings,

therefore Towns would solely be advisory. However, the County could amend the zoning code to allow for Town involvement in the conditional use permit approval process.

- Approved but unrecorded rezonings. Until recently, the County did not have a deadline for recording approved rezonings with the County Register of Deeds. The County will need to determine if these rezonings will be “grandfathered,” the owners of unrecorded lots must pay the conversion fee if/when they are recorded, or if these approvals are no longer valid (i.e., the property owner must go through the County rezoning process again, record the new lot(s), and pay the conversion fee).
- Confirm current policies. To assist us in writing the first draft of the Plan, we are seeking direction from the Steering Committee about the following existing definitions in the 1999 Plan and current zoning ordinance:
 - Environmental corridor: floodplains, wetlands, upland woods of greater than 10 acres, and slopes exceeding 20 percent.
 - Prime soils: All NRCS Class 1 and Class 2 soils, plus Class 3 soils with Class 1 or 2 characteristics (see attached map for a breakdown of Classes).
 - Siting approach for parcels under the same ownership divided by a road: Parcels under common ownership divided only by a road are treated as separate parcels for the purpose of determining the number of allowable A-3 lots. Total number of allowable lots may be shifted between the 2 parcels of record, with County and Town approval.

Preferred Farmland Preservation Program Scenario

The next step in the process is to prepare the first draft of the updated Plan. We need direction from the Steering Committee to do this work. On September 2nd we will facilitate a discussion on this topic with the goal of reaching consensus on a preferred scenario by the end of the meeting. A single Program Scenario is preferred but as many of you would have heard at the Town Quadrant Meetings, the County could update the Plan based on a combination of Program Scenarios.

Process and Priorities for First Draft of Farmland Preservation Plan

The County’s updated Farmland Preservation Plan must include the following per State Statutes.

- (a) States the county’s policy related to farmland preservation and agricultural development, including the development of enterprises related to agriculture.
- (b) Identifies, describes, and documents other development trends, plans, or needs, that may affect farmland preservation and agricultural development in the county, including trends, plans, or needs related to population and economic growth, housing, transportation, utilities, communications, business development, community facilities and services, energy, waste management, municipal expansion, and environmental preservation.
- (c) Identifies, describes, and documents all of the following:
 - 1. Agricultural uses of land in the county at the time that the farmland preservation plan is adopted, including key agricultural specialties, if any.
 - 2. Key agricultural resources, including available land, soil, and water resources.
 - 3. Key infrastructure for agriculture, including key processing, storage, transportation, and supply facilities.
 - 4. Significant trends in the county related to agricultural land use, agricultural production, enterprises related to agriculture, and the conversion of agricultural lands to other uses.

5. Anticipated changes in the nature, scope, location, and focus of agricultural production, processing, supply, and distribution.
 6. Goals for agricultural development in the county, including goals related to the development of enterprises related to agriculture.
 7. Actions that the county will take to preserve farmland and to promote agricultural development.
 8. Policies, goals, strategies, and proposed actions to increase housing density in areas that are not identified under (d).
 9. Key land use issues related to preserving farmland and to promoting agricultural development and plans for addressing those issues.
- (d) Clearly identifies areas that the county plans to preserve for agricultural use and agriculture-related uses, which may include undeveloped natural resource and open space areas but may not include any area that is planned for nonagricultural development within 15 years after the date on which the plan is adopted.
 - (e) Describes the rationale used to determine which areas to identify under (d).
 - (f) Includes maps that clearly delineate all areas identified under (d), so that a reader can easily determine whether a parcel is within an identified area.
 - (g) Clearly correlates the maps under (f) with text that describes the types of land uses planned for each area on a map.
 - (h) Identifies programs and other actions that the county and local governmental units within the county may use to preserve the areas identified under (d).

The updated Plan will meet all requirements of Wis. Stats. Chapter 91 listed above and:

- Integrate compatible goals and directions from other County plans and initiatives, generally providing summaries of such directions.
- Include applicable information related to further implementation of the County's PACE program.
- Continue to advance approaches to grow local markets for farm products, based on information included in the County's Economic Opportunity Analysis.
- Identify and justify existing and potential Agricultural Enterprise Areas for particular farmland preservation focus.
- Include background information and maps.
- Include a Future Land Use map that will delineate farmland preservation areas, environmental corridors, urban service areas, and rural development areas/rural hamlets.
- Include a detailed implementation strategy, including a recommended approach and model language for farmland preservation zoning ordinance amendments.

Please be prepared to offer any other topics or issues that should be incorporated into the draft Plan at the meeting on September 2nd.